

Minutes
Bar Harbor Planning Board
September 3, 2008
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:07 p.m.

Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Vice-Chair; Dave Bowden

Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Town Attorney

II. EXCUSED ABSENCES

Mr. Bowden moved to excuse Ms. Williams. Mr. Cochary seconded and the Board voted unanimously to approve the motion.

III. ADOPTION OF THE AGENDA

Mr. Cochary moved to approve the agenda. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

No minutes to approve.

V. REGULAR BUSINESS

A. Public Hearing – SD-07-06 – Owl’s Nest Subdivision

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl’s Nest, LLC

Application: Proposes a 10 lot residential subdivision

Noel Musson, representing the applicant, asked to address outstanding issues. The outstanding issues include: nitrate analysis/subsurface wastewater, changes to the road, stormwater analysis changes, access issues, a determination from the Board whether this is a new subdivision or part of the Pine Ridge subdivision, and overhead utilities versus underground utilities.

Mr. Cochary asked the applicant if seasonal water is a possibility for this subdivision. Mr. Musson said it might be but wanted to look into the matter further.

Mr. Bowden raised the issue of water quality and the quality of the soils in the proposed subdivision. He also favored looking closer at whether seasonal water is an option. Mr. Cochary concurred that the use of seasonal water is preferred if available.

Dana Reed, an abutter to the project, reiterated what the town’s geologist on the project, Mr. Coffin, said about the abutting septic systems of adjacent lot owners noting that problems with neighbors septic systems will effect other lot owners.

Mr. Reed reiterated his position that side setbacks are not being observed with regards to the road.

The Board and the applicant discussed overhead utilities. Mr. Brochu from CES explained the breakdown of utilities and the cost comparisons of installing utilities overhead versus underground.

Ms. Stevens-Rosa noted that the cost breakdown does not justify overhead utilities. The cost increase is not enough. Mr. Cochary agreed with Ms. Stevens-Rosa that the additional cost is not prohibitive to the applicant.

The Board continued to discuss the issue of overhead versus underground utilities.

Mr. Bowden expressed his view that the utilities should be underground.

The Board and the applicant began discussing whether this proposed subdivision is part of the Pine Ridge subdivision. Mike Ross, representing the applicant, reiterated his position that this subdivision is not part of the original subdivision. He noted that the Board is treating this differently and asked the Board to make a finding on the issue.

Mr. Bowden and Ms. Krieg discussed access from the subdivision onto Rt. 3 in terms of whether this is a new subdivision or not.

Mr. Ross noted that the initial issue is a determination by the Board if this is a new subdivision. He does not believe this issue is complicated.

Mr. Bragg mentioned that the land was divided into 15 lots at the outset and treated by the Board as lots. He noted his belief the Board should determine if the two remaining lots were meant to be part of the original subdivision.

Mr. Cochary believes this is part of the original subdivision and Ms. Stevens-Rosa concurred.

Rob Levin asked if subdivision lots are always part of a subdivision. Ms. Krieg explained that the Board is responsible for planning on full build out and that includes considering undeveloped pieces of land created when land is subdivided.

Mr. Bragg and Mr. Ross discussed state subdivision law.

Tim Gott, applicant, noted that the Planning Board at the time of the original subdivision knew that the additional lot was to be subdivided.

Cochary moved to continue the public hearing to the September 17 meeting. Mr. Bowden seconded and the board voted unanimously to approve the motion.

B. Public Hearing – SD-08-03 – Blagden Highlands

Project Location: Indian Point Road, Bar Harbor Tax Map 241, Lots 8 & 9

Applicant: Timothy H. Gott

Application: Proposes an 11 lot residential subdivision

Noel Musson, representing the applicant, gave an overview of the changes to the plan. Mr. Musson distributed a new plan.

Mr. Bowden inquired about how many lots would be accessed from Blagden Lane and Mr. Musson responded that nine would.

Mr. Bowden asked for clarification on why the M. Gott lot is not part of this subdivision. Mr. Bragg referred to state subdivision law.

The Board continued to discuss whether the M. Gott is part of the subdivision.

Mr. Cochary expressed his readiness to approve the project. Mr. Bowden expressed some reservations about approving the project.

Mr. Cochary move to approve project with utilities underground. Mr. Bowden seconded and the board voted unanimously on the motion.

C. Public Hearing: Land Use Ordinance Amendment – Lighting Ordinance –

Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to add new lighting requirements for new development projects that incorporate dark sky lighting standards.

Ms. Krieg outlined the meaning of the Planning Board's vote to recommend an ought to pass. She explained that the sunset clause was removed.

Sam Coplon asked for clarification about when dark sky lighting standards would apply. Ms. Krieg said if there is a lighting plan for a project it would be required.

Mr. Bowden made a motion to recommend the article ought to pass. Mr. Cochary seconded and the Board voted unanimously to approve the motion.

D. Completeness Review – SD-07-08 Woodworth Subdivision

Project Location: 222 Kittredge Brook Road, Bar Harbor Tax Map 236, Lot 9

Applicant: Caroline and Nell Woodworth

Application: Proposes a 3 lot subdivision

Sam Coplon, representing the applicant, gave an overview of the project to the Board.

Mr. Coplon pointed out that the plan will change to remove the non-compliant lot arrangement noted in the staff report.

Mr. Cochary asked the applicant to provide a map showing how far back the road goes and who the abutters are. Mr. Coplon agreed.

Mr. Bowden asked for a connecting road map between Pine Heath and Kittredge.

Mr. Bowden asked if water capacity is an issue and Mr. Coplon said he would check.

Mr. Cochary made a motion to find the application complete with a new map to be provided showing the requested connections along with the other items noted in the staff report. Mr. Bowden seconded and the board voted unanimously on the motion.

The public hearing is scheduled for October 1, 2008.

VI. OTHER BUSINESS

- A. Schedule workshop for Improvements around York and Lennox Street as part of possible development

Ms. Krieg updated the Board on the discussion with Ocean Properties about a possible hotel on West Street and noted an upcoming meeting with the Design Review Board on September 11, 2008.

- B. Discuss process for affordable housing research and findings

The Board and Ms. Krieg discussed the process for working on affordable housing proposals.

Mr. Cochary asked staff to research what other towns in Maine are doing to come up with solution for affordable housing and also what the Maine Housing Authority is doing. Other Board members concurred.

Ms. Krieg and the Board agreed to hold an affordable housing workshop on October 29.

- C. Discuss possible future ordinance research on commercial water withdrawals

This item was moved to the September 17 meeting due to the absence of Ms. Williams.

VII. PLANNING DIRECTOR'S REPORT

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT – 8:46

Mr. Cochary moved to adjourn. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Lynne Williams, Secretary

Date

Planning Board, Town of Bar Harbor